

REMARKS

Status of the Application

Claims 1, 4, 8-18, and 20-24 are all the claims pending in the application. Claims 18, 21, and 22 are objected to because of informalities. Claims 4, 8-13, and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 4-8, 10, 11, 13, and 16-24 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Lasserre et al. (US Publication 2003/0071085). Claims 1 and 14 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Morane (US Patent 4,775,081). Claims 15 and 17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Morane in view of Lewiecki et al. (US Patent 3,428,223). Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, Applicants hereby amend claims 1, 8, 10, 11, 13, 16, 18 and 21-24, cancel claim 4 and add new claims 25 and 26.

Claim Objections

Claims 18, 21, and 22 are objected to because of informalities.

Without conceding to the merits of the Examiner's objection, Applicants hereby amend claims 18, 21 and 22 to address any alleged informalities.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 4, 8-13, and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Without conceding to the merits of the Examiner's rejection, Applicants hereby amend claims 8 and 10 to address any alleged deficiencies.

With regard to the rejection of claim 4, the Examiner argues that the limitation "the connection channel" lacks antecedent basis. By this Amendment, Applicants hereby incorporate the subject matter of claim 4 into claim 1. Claim 1, at lines 4-5, recites "a connection channel", which provides proper antecedent basis for the subject matter of claim 4, which is incorporated into claim 1. Accordingly, withdrawal of the rejection directed toward the subject matter of claim 4 is hereby respectfully requested.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 4-8, 10, 11, 13, and 16-24 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Lasserre et al. (US Publication 2003/0071085).

Without conceding to the merits of the Examiner's rejection, and based on the results of an Examiner Interview conducted July 26, 2010, Applicants hereby amend claim 1 to recite "[a] cosmetic product dispenser head for mounting on an actuator rod (33) of a pump (3) that is displaceable down and up along a central axis (X) of the actuator rod."

During the interview, the Examiner agreed to amended claim language that would overcome the rejection of independent claim 18 under Lasserre.

Applicants respectfully submit that by defining the axis as a “central axis (X) of the actuator rod,” this would further differentiate from Lasserre on two grounds: (1) the endpiece in Lasserre is not offset from a central axis of the actuator rod; and (2) the alleged bearing surfaces (47 and 48) in Lasserre do not intersect the central axis of the actuator rod. During the interview, the Examiner agreed and stated that it appeared that Lasserre does not disclose either of these recited features.

Accordingly, Applicants respectfully submit that amended claim 1 is patentable over the applied art. Independent claims 18 and 23 are hereby amended in similar manner, and are patentable for analogous reasons. Claims 8, 10, 11, 13, 16, 17, 21, 22 and 24 are patentable at least by virtue of their respective dependencies.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1 and 14 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Morane (US Patent 4,775,081).

Without conceding to the merits of the Examiner’s rejection, and in the interest of compact prosecution, Applicants hereby incorporate the subject matter of claim 4 into claim 1. Because the instant rejection is not directed toward the subject matter of claim 4, the incorporation of this subject matter into claim 1 means that amended claim 1 is patentable over the applied art.

Claim 14 is patentable at least by virtue of its dependency from claim 1.

Claims 15 and 17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Morane in view of Lewiecki et al. (US Patent 3,428,223).

Claims 15 and 17 depend from amended claim 1. Because amended claim 1 is patentable over Morane, and because Lewiecki fails to cure the deficiencies noted with respect to Morane, claims 15 and 17 are patentable at least by virtue of their dependency from amended claim 1.

Allowable Subject Matter

Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for indicating that claims 9 and 12 would be allowable if written in independent form.

Accordingly, Applicants hereby add new claims 25 and 26, which correspond to claims 9 and 12 written in independent form, respectively. Applicants respectfully submit that claims 25 and 26 are immediately allowable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/574,836

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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